

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

XIAOHUA HUANG,

No. C 18-06654 WHA

Plaintiff,

v.

**ORDER DENYING MOTION  
FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

NEPHOS INC.,

Defendant.

*Pro se* plaintiff Xiaohua Huang moves for a temporary restraining order and preliminary injunction — ten months after filing the instant action — to prohibit defendant Nephos Inc. “from selling its networking chips” within the United States, “especially selling its chips to Amazon.com Inc.” (Dkt. No. 67 at 1). The motion is **DENIED**.

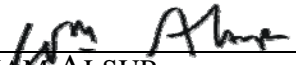
In seeking a temporary restraining order and preliminary injunction, plaintiff must demonstrate that: (1) serious questions going to the merits were raised, (2) the balance of hardships tips sharply in the plaintiff’s favor, (3) there is a likelihood of irreparable harm, and (4) that the injunction is in the public interest. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134–36 (9th Cir. 2011) (incorporating factors from *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7 (2008)); *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (“[O]ur analysis is substantially identical for the injunction and the TRO.”).

Here, plaintiff has failed to establish, at the very least, a likelihood of irreparable harm. Plaintiff complains that defendant has not yet produced relevant source code, continues to file

1 motions to strike plaintiff's infringement contentions, is refusing to "pay any royalty and  
2 damage[s]" to plaintiff, and lowballed plaintiff during settlement discussions (Dkt. No. 67 at  
3 4-5). He contends that without a temporary restraining order, defendant "will never show  
4 respect to the Court and [plaintiff's] intellectual property" and will "make million USD [*sic*] in  
5 selling its chips to Amazon.com Inc. alone" (*id.* at 5). None of these contentions show  
6 irreparable harm. Plaintiff's failure to establish this factor alone is sufficient to deny his motion  
7 for a temporary restraining order and preliminary injunction.

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9 **IT IS SO ORDERED.**

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11 Dated: August 30, 2019.

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14 WILLIAM ALSUP  
15 UNITED STATES DISTRICT JUDGE  
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